

RESOLUTION NO. 4209

AUTHORIZING AND DIRECTING CONDEMNATION
OF REAL PROPERTY FOR SEWER FACILITIES

BE IT RESOLVED by the Council of the City of Lodi as follows:

The Council of the City of Lodi finds, determines, and hereby declares:

1. That the public interest, necessity, and convenience require the acquisition, construction, and completion of a public improvement, to-wit: a temporary construction right of way for a sanitary sewer line extension on and across certain real property located on the west side of Stockton Street, between Kettleman Lane and Century Boulevard, in the County of San Joaquin, State of California.

2. That the real property hereinafter described is suitable, adaptable, necessary, and required for the public use of said City of Lodi, as hereinabove set forth.

3. The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

4. That the City of Lodi acquire the hereinafter described real property for sewer facilities, by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary land and/or to fix the compensation to be paid for property damage resulting from the construction and maintenance of said improvements; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title Seven, Part Three of the Code of Civil Procedure of the State of California to condemn the property hereinafter described for the purpose of taking said land for the public use of said City as hereinabove set forth.

5. To acquire in the name of the City of Lodi, a construction easement in and to the said hereinafter described real property by condemnation in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure, and the Constitution of California relating to eminent domain.

6. To make application to a Court of competent jurisdiction for an order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate possession and use of said property, or interest in real property, or existing improvements for the public use as hereinabove set forth; to make deposit of such security or monies in such amount so fixed and determined and in such manner as said Court in which said condemnation proceedings are pending may direct.

7. The real property, or interest in real property which the City of Lodi is by this Resolution authorized to acquire for said public improvements is situate in the County of San Joaquin, State of California, and is more particularly described as follows:

A construction easement along and across a portion of the Northwest Quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, being more particularly described as follows:

The East 40.00 feet of the South 1305.86 feet of said Quarter.

EXCEPT that portion lying within STOCKTON STREET.

DATED: June 2, 1976.

I hereby certify that the foregoing Resolution was passed and adopted by the City Council of the City of Lodi in regular meeting held June 2, 1976, by the following vote:

AYES: Councilmen HUGHES, KATZAKIAN, EHRHARDT, and
PINKERTON

NOES: Councilmen - None

ABSENT: Councilman KATNICH



Alice M. Reimche City Clerk



The foregoing document is
certified to be a correct
copy of the original on
file in this office.



ALICE M. REIMCHE
City Clerk, City of Lodi

Dated: June 2, 1976